

# Senate Study Bill 3108 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON BROWN)

## A BILL FOR

1 An Act relating to special minor's driver's licenses, including  
2 applications certified by the department of transportation  
3 and authorized use by students who receive competent private  
4 instruction or independent private instruction, and making  
5 penalties applicable.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.194, subsection 1, paragraph c, Code  
2 2022, is amended to read as follows:

3 c. The ~~person's school~~ person has certified to the  
4 department that the person has a special need for the license  
5 pursuant to subsection 3.

6 Sec. 2. Section 321.194, subsection 2, paragraph a, Code  
7 2022, is amended by adding the following new subparagraph:

8 NEW SUBPARAGRAPH. (03) If the licensee receives competent  
9 private instruction or independent private instruction, as  
10 those terms are defined in section 299A.1, the licensee may  
11 operate a motor vehicle during the hours of 5:00 a.m. to  
12 10:00 p.m. over the most direct and accessible route between  
13 the licensee's residence and the location where the licensee  
14 receives instruction pursuant to chapter 299A, provided  
15 the driving distance between the point of origin and the  
16 destination is no more than fifty miles.

17 Sec. 3. Section 321.194, subsection 2, paragraph a,  
18 subparagraph (4), Code 2022, is amended to read as follows:

19 (4) To a service station for the purpose of refueling, so  
20 long as the service station is the station closest to the route  
21 on which the licensee is traveling under ~~subparagraph (1), (2),~~  
22 ~~or (3)~~ this paragraph.

23 Sec. 4. Section 321.194, subsection 3, paragraph a,  
24 unnumbered paragraph 1, Code 2022, is amended to read as  
25 follows:

26 Each application shall be accompanied by a statement of  
27 necessity from the ~~applicant's school of enrollment~~ applicant.  
28 The statement shall be upon a form provided by the department  
29 and shall certify that a need exists for the license ~~and that~~  
30 ~~the person signing the statement is not responsible for actions~~  
31 ~~of the applicant which pertain to the use of the driver's~~  
32 ~~license~~.

33 Sec. 5. Section 321.194, subsection 3, paragraph a,  
34 subparagraphs (1) and (2), Code 2022, are amended by striking  
35 the subparagraphs.

1     Sec. 6. Section 321.194, subsection 3, paragraphs b, c, and  
2 d, Code 2022, are amended to read as follows:

3     b. Upon receipt of a statement of necessity, the department  
4 shall determine whether the license is necessary and, if so,  
5 shall issue the driver's license provided the applicant is  
6 otherwise eligible for issuance of the license. The fact that  
7 the applicant resides at a distance less than one mile from the  
8 applicant's school of enrollment or location of instruction  
9 under chapter 299A is prima facie evidence of the nonexistence  
10 of necessity for the issuance of a license. However, the  
11 distance between the applicant's residence and school of  
12 enrollment shall not be considered if the applicant resides on  
13 a farm or is employed for compensation on a farm.

14     c. ~~The school department shall develop and adopt a policy~~  
15 adopt rules pursuant to chapter 17A establishing the criteria  
16 ~~that the school shall use to approve or deny certification~~  
17 ~~that a need exists for a license. If the school is a public~~  
18 ~~school, the policy shall be developed and adopted by the school~~  
19 ~~board. If the school is an accredited nonpublic school, the~~  
20 ~~policy shall be developed and adopted according to procedures~~  
21 ~~determined by the authorities in charge of the accredited~~  
22 ~~nonpublic school.~~

23     d. ~~A student enrolled in a public school~~ An applicant may  
24 ~~appeal to the school board the decision of a school district~~  
25 ~~administrator~~ the department to deny certification to the  
26 director. The director's decision is a final agency action,  
27 and is subject to judicial review as provided in chapter 17A.  
28 ~~A student enrolled in an accredited nonpublic school may appeal~~  
29 ~~the school's decision to deny certification as permitted by the~~  
30 ~~authorities in charge of the accredited nonpublic school. The~~  
31 ~~decision of the school board or authorities in charge of the~~  
32 ~~accredited nonpublic school is final.~~

33                                   EXPLANATION

34             The inclusion of this explanation does not constitute agreement with  
35             the explanation's substance by the members of the general assembly.

1 Under current law, an application for a special minor's  
2 driver's license must be accompanied by a statement from the  
3 applicant's school of enrollment. The statement must certify  
4 that a need exists for the license and that the person signing  
5 the statement is not responsible for actions of the applicant  
6 which pertain to the applicant's use of the license. If the  
7 applicant attends a public school, the certification must be  
8 made by the school board, superintendent of the applicant's  
9 school, or principal, if authorized by the superintendent.  
10 If the applicant attends an accredited nonpublic school, the  
11 certification must be made by the authorities in charge of the  
12 accredited nonpublic school or a duly authorized representative  
13 of the authorities.

14 The school must develop and adopt a policy establishing the  
15 criteria that the school uses to approve or deny certification  
16 that a need exists for a license. If the school is a public  
17 school, the policy must be developed and adopted by the school  
18 board. If the school is an accredited nonpublic school, the  
19 policy must be developed and adopted according to procedures  
20 determined by the authorities in charge of the accredited  
21 nonpublic school.

22 The fact that an applicant resides at a distance less  
23 than one mile from the applicant's school of enrollment is  
24 prima facie evidence of the nonexistence of necessity for  
25 the issuance of the license. However, the distance between  
26 the applicant's residence and school of enrollment cannot be  
27 considered if the applicant resides on a farm or is employed  
28 for compensation on a farm.

29 The department of transportation (DOT) is required to issue  
30 the license to the applicant upon receipt of a statement of  
31 necessity, provided the applicant is otherwise eligible for  
32 issuance of the license. A student enrolled in a public school  
33 may appeal an adverse decision to the school board. A student  
34 enrolled in an accredited nonpublic school may appeal an  
35 adverse decision as permitted by the authorities in charge of

1 the accredited nonpublic school. The decision of the school  
2 board or authorities in charge of the accredited nonpublic  
3 school is final.

4 This bill requires an applicant to submit a statement of  
5 need to the DOT and requires the DOT to determine whether the  
6 license is necessary. The DOT must adopt rules establishing  
7 the criteria to approve or deny certification that a need  
8 exists for a license. An applicant may appeal an adverse  
9 decision of the DOT to the DOT director, whose decision is  
10 subject to judicial review pursuant to Code chapter 17A.

11 The bill allows a person holding a special minor's driver's  
12 license who receives competent private instruction or  
13 independent private instruction in accordance with Code chapter  
14 299A to operate a motor vehicle during the hours of 5:00 a.m.  
15 to 10:00 p.m. over the most direct and accessible route between  
16 the licensee's residence and the location where the licensee  
17 receives instruction, provided the driving distance between the  
18 point of origin and the destination is no more than 50 miles.

19 A violation of Code section 321.194 is punishable by a  
20 scheduled fine of \$70.